



JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr MA Hunt MP—Chair
Mr MC Berkman MP
Mr RD Field MP
Ms ND Marr MP
Hon. G Butcher MP
Mr PS Russo MP

Staff present:

Ms F Denny—Committee Secretary
Dr S Dodsworth—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE POWERS AND RESPONSIBILITIES (MAKING JACK’S LAW PERMANENT) AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Wednesday, 30 April 2025

Brisbane

WEDNESDAY, 30 APRIL 2025

The committee met at 11.35 am.

CHAIR: I declare open this public briefing for the committee's inquiry into the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025. My name is Marty Hunt, member for Nicklin and chair of the committee. With me here today are: Peter Russo MP, member for Toohey; Russell Field MP, member for Capalaba; Natalie Marr MP, member for Thuringowa; Michael Berkman MP, member for Maiwar; and Glenn Butcher MP, member for Gladstone, who is substituting for Melissa McMahon MP, member for Macalister.

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CHALMERS, Acting Senior Sergeant Michael, Queensland Police Service

KELLY, Acting Deputy Commissioner Mark, Regional Operations and Youth Crime, Queensland Police Service

PAPOUTSAKIS, Ms Anna, Manager, Strategic Policy and Legislation, Queensland Police Service

SHEARS, Mr Michael, Director, Strategic Policy and Legislation, Queensland Police Service

WILDMAN, Acting Assistant Commissioner Rhys, Queensland Police Service

CHAIR: I now welcome representatives from the Queensland Police Service to brief the committee. Could you individually introduce yourselves and in what capacity you appear today before we go to an opening statement?

Snr Sgt Chalmers: Good morning. My name is Michael Chalmers. I am an acting senior sergeant at the moment. I am the officer in charge of Surfers Paradise police station. My substantive role is sergeant. I am an operational police officer out there doing the scanning. I have also been in multiple roles as officer-in-charge in organising the authorisations for the scanning to happen and also in an acting role as operations leader in a patrol group, so I have also been on that side where I have organised operations that involve scanning.

Assistant Commissioner Wildman: Good morning, committee. My name is Rhys Wildman. I am Acting Assistant Commissioner for Brisbane currently. My role here is I was the Acting District Officer on the Gold Coast when the original trial in 2021 was commenced. I have been actively engaged with the Beasley family during the last four-plus years, and I appeared before the committee back in 2023 with the original expansion to Jack's Law.

Deputy Commissioner Kelly: Good morning, committee. My name is Mark Kelly. I am the Acting Deputy Commissioner for Regional Police Operations. There are four police deputies in the Queensland Police Service. I oversee the seven police regions and the 15 police districts across the state. In effect, I oversee police using the wanding powers.

Mr Shears: Good morning, committee. My name is Michael Shears. I am the director of Strategic Policy and Legislation within the Queensland Police Service. I am here to assist the committee on any technical aspects of the bill that you may have queries on.

Ms Papoutsakis: Good morning, committee. My name is Anna Papoutsakis. I am the manager of Strategic Policy and Legislation and appear to assist the committee with any technical questions you may have in relation to Jack's Law.

CHAIR: Thank you. I invite you to commence with a briefing.

Deputy Commissioner Kelly: I begin by acknowledging the traditional custodians of the land on which we meet on today, the Turrbal and Yagara people, and pay my respect to elders past, present and emerging. I thank the committee for the opportunity to appear and assist the committee in the examination of the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025. I will not reintroduce the team, but they are available here to answer questions. I understand the committee has been provided with a written briefing and the Queensland Police Service's responses to public submissions on the bill.

The bill makes Jack's Law permanent by removing the sunset clause that schedules its expiry on 30 October 2026. It allows police officers to use handheld scanners in relevant places without the need to obtain authority from a senior police officer. It expands the application of Jack's Law to include other public places that are not relevant places by allowing police officers to use a handheld scanner in those areas, provided they first obtain authority to do so from a senior police officer, and it improves police efficiencies by streamlining the legislative framework underlying Jack's Law.

The bill also extends the operational period of the Terrorism (Preventative Detention) Act 2005 for 15 years to ensure Queensland aligns with counterterrorism legislation across Australia. It amends the Marine Rescue Queensland Act 2024 to clarify Marine Rescue Queensland is a charitable institution for the purpose of receiving gifts, and it amends the State Emergency Service Act 2024 to validate historical appointments of State Emergency Service members.

In relation to Jack's Law, the existing Jack's Law framework has undergone several legislative iterations, evolving as a consequence of reviews and consultations. The earlier versions have been scrutinised by various parliamentary committees, stakeholders and experts. The framework allowed police officers to detect and deter the unlawful possession of weapons and enhance community safety and security. In the period 6 April 2023 to 8 April 2025, just over two years, there were 1,063 weapons located from 106,166 persons scanned—about one per cent.

In terms of crime, in calendar year 2024, the number of reported person and property offences where a knife was the most serious weapon used in a relevant place by an offender was 849. There were 849 offences where a weapon was used in those relevant places. That does not include possession of knives. In 2024, the number of reported person and property offences where a knife was the most serious weapon in a public place by an offender was 1,690 offences. So there were 1,690 offences where a weapon was used for a person or property offence. Again, that does not include unlawful possession of a knife.

The amendments outlined in the bill will enable police officers to proactively conduct handheld scanning in these locations without a requirement that a weapons offence must have occurred before handheld scanning powers may be utilised. The bill appropriately safeguards for the exercise of police powers for Jack's Law, including ensuring the process is conducted in a non-invasive manner and as efficiently as possible.

In conclusion, the bill reflects carefully considered reforms that will provide police with proactive powers to enhance community safety. The Queensland Police Service remains committed to working with the community, government and oversight bodies to ensure that police powers are exercised fairly, proportionately and in accordance with Queensland's values of safety, equity and public trust. I thank the committee for the opportunity to address you here today and we welcome any questions you may have.

CHAIR: Thank you. I am interested particularly in the operational aspects of it, how it has been working and how it has been improved. Senior Sergeant, you might be best to answer that question. Can you elaborate on your experience with using the laws in a practical sense and how these new enhancements might assist police to better use them?

Snr Sgt Chalmers: For a bit of context and background, I was originally a detective. I have been exposed to the original trial of the wandering in Surfers Paradise and Broadbeach doing special services duties. As a result of that, I then progressed over to uniform because I felt so passionately about these

powers. It is only my opinion, but I believe I am doing more of a job assisting with community safety, out there preventing this crime in doing the wandering beforehand. That is a bit of background and why I am so passionate about it.

Operation-wise, I have been heavily involved from the trial onwards. As for the success of it, I can sit here and say that it is absolutely a success, with the number of weapons we are taking off the street. If you saw some of the weapons that people are carrying in highly populated areas and that we are taking off the street, it would astound some people. They are made for one reason; they are a tactical weapon.

I have the figures here of how many scans I have been involved in. I have done 5,771 scans. I have been involved in those scans since Jack's Law came about in April 2023. That is me either being directly involved or being there as my partner is involved. The public perception as we are doing them is one of the best policing moves. I have been in the job for 20 years, and the positivity from the public as we are doing these is unbelievable. I have done nearly 6,000 people and 90 per cent of them are thanking me after. It is not only them thanking me as I have done that; a lot of members in the community or tourists, especially in Surfers Paradise, come up to me and ask about Jack's Law: 'What are you doing?' It is common for those people to say, 'We need that in our town,' or 'We need that in our country.' Even if you take away the aspect of how many weapons we have taken off people, when people see what we are doing there is a preventive nature about it and even positivity from members of the public so I cannot think of any other power that police have had that has had such an impact.

CHAIR: Can you talk to the cumbersome aspects of it, the administrative burdens that this bill seeks to remove, and how that can improve the way we—when I say 'we', I used to be a police officer—operate in the field?

Snr Sgt Chalmers: At the moment I am in the role of a senior police officer so I can issue a handheld scanning authorisation. For me, and I have done many of these, it will take me at least half an hour to do them from start to finish. There are restrictions on that as well. The senior officer has to be an inspector level or certain senior sergeants. If there is an event that intelligence have missed and there is an influx of people and we are required to do scanning at that stage, there can be a reluctance of some senior officers because they are just very time poor. To get an authorisation at short notice is a burden on whoever is doing that. At the moment, we are looking weeks ahead before we do an authorisation for an operation coming on because it is a burden, and you could be doing multiple handheld scanning authorisations.

I can talk you through how you go about doing the authorisation, if the committee wishes. To start with, it could be intelligent based or any reason that we have decided we want to do handheld scanning at this place at this time. As the senior officer, we have a dashboard on our system. I have to interrogate that dashboard and that will give me an indication—with a green light/red light system—of whether we satisfy the evidentiary test to do the handheld scanning. Even if it comes up green, we still have to go down further into that and look into it to make sure there is not a data issue or anything like that. We need to make sure that, yes, it suits one of the three evidentiary reasons we can scan in that place.

After that, I have to look into the subjective tests. Is it going to deter or detect weapons? I have to go through all the previous scanings that have been in that relevant place and look at things like whether it was a success or whether it is working. Even that part of the process takes awhile. I then have to put it into our QPRIME system, our police system, which also takes a considerable amount of time. You have to put the place, the persons and the authorisation, and this all takes time. This is coming from someone who has done a lot of authorisations. We are now looking at probably 25 to 30 minutes for me to do that. If we want a timely authorisation then and there, it just cannot physically happen.

CHAIR: The bill seeks to improve the administrative burden. Do you think there will be a lot more wandering into the future?

Snr Sgt Chalmers: There will be more wandering but it will only be where it is operationally viable to do so or operationally sound or in places where it is going to be worth doing. It is like doing an RBT line, for instance. We are not just going to go out and do an RBT line in a certain section; it will be for operational values. Will it be easier and take a lot less time for police due to the burden and red tape? Absolutely, it will. That is not taking into account after-hours. If I am a police officer and it is an afternoon shift, for instance, the only person at that time who can approve an authorisation would be the district duty officer. There is only one senior sergeant district duty officer who is in charge operationally of the Gold Coast, for instance. They do not have time to go back to a computer and spend probably 40 to 50 minutes if it is their first one. It is just not viable.

Mr BUTCHER: How would the Queensland police measure the success of a scanning operation? Is it by weapons seized, charges laid, the deterrent effect or public perception? How do you rate the success of a wandering program?

Deputy Commissioner Kelly: It is probably all four aspects. Public perception is really important. We need our community to feel safe. It is not just about crime statistics because members of the community need to feel safe. I would also go further and say that weapons seized is definitely important because it is an indicator that we are taking those risky items off the street. A reduction in crime is also important. I gave you some statistics earlier around numbers of persons and property offences involving knives; there were reductions in homicide, assaults and robberies in those places. For instance, in a public place, we had 281 robberies with a knife in 2024. We had 262 robberies. Often robberies are committed with knives and obviously in relevant places and public places—so if we can reduce crime by making sure knives are not there. Sometimes offences are opportunistic when people have a knife and they go into a service station or other place to commit offences. In answer to your question, it is about taking knives off the street. People need to be held to account for that in the justice system. Public perception, public faith, trust and willingness to be able to go out in the community in relevant places and public places is really important. We also want to reduce the number of victims of person and property offences.

Mr BUTCHER: With that program that has been run to date, do you have any figures on how many people under the age of 18 have been wandered and how many over the age of 18 have been wandered?

Ms Papoutsakis: Between 2 April 2023 and 28 April 2025, out of a total of 109,784 persons scanned, 33.58 per cent identified as being under 18. Of that, 41.04 per cent were identified as other/unknown as well.

Ms MARR: Earlier today we heard that there is a concern about expanding into public places, and the criteria that they were talking about was that public places that had got prior crimes. I think that restricts us. I was talking about how if there was a festival that my daughter was going to I would like to know that you could wand in that area even though there had not been a crime there before. Do you think there are any other issues on expanding into these public places that the bill looks at?

Deputy Commissioner Kelly: In terms of public places, we still have to get the authority. A senior officer will consider that. One issue was raised around schools. Obviously, we are not going to go into schools as normal practice, but if there was an event in the school and there was particular intelligence about a fete, event or football carnival that was happening at the school, then the senior officer would consider whether they were going to give the authority to do that search.

Ms MARR: So that would be measured more on risk than recent crimes in that area? If you have a school event where there has not been any criminal activity, if there was a risk of a large crowd with different ages, is that how you would use public places?

Ms Papoutsakis: The bill expands the use of handheld scanners to public places that are not relevant places. A senior police officer may issue an authority in relation to a public place if the senior officer considers the use of a handheld scanner would be likely to be effective in detecting or deterring the commission of an offence involving the use of a knife or other weapon in or on the public place.

When considering that criteria, a senior officer could consider, as an example: criminal intelligence; the concentration of licensed premises in the area; whether there is a concentration of people due to an event; if the use of handheld scanners has previously been authorised; and whether the use of handheld scanners identified persons carrying knives or other weapons. It is a subjective test. As has been previously mentioned, the current criteria for relevant places is limited to satisfying the evidentiary and subjective test, which does not permit the use of proactive wandering.

Ms MARR: They are very good safeguards with what you mentioned today.

CHAIR: To follow up on that, you went over the process of getting an authority before. Is it a similar process for a public place, or is it less onerous? What is the new process?

Ms Papoutsakis: It is less onerous compared to what we currently have with respect to a relevant place. I can speak through the specifics of the evidentiary test.

CHAIR: Yes. In terms of a senior officer declaring a public place, what is the process for that? Is it like what was described before or is it less?

Ms Papoutsakis: It is a lot less onerous. Currently, the subjective test is the only test that would be required so it could proactively rely on information that is received. It does not rely on an offence having occurred in the previous six months. The public place definition is utilised by schedule 6 of the PPRA so it is quite broad and would include pay or non-pay events—that is, publicly available. So it is not a restrictive definition of public place.

CHAIR: I guess what I am getting at is whether it could be done at short notice, for example. Could a DDO identify a risk and move to authorise that without paperwork, without QPRIME, or is there a process? That is what I am getting at.

Ms Papoutsakis: The current requirements would require a specified authority still being completed by section 39D. That would include the details and description of the relevant public place. It would include the confines of what is required and specifics around the authority being issued.

CHAIR: Sorry to harp on it, but is the authority an actual document or can it be a verbal authority?

Ms Papoutsakis: It is a written document.

CHAIR: Thank you.

Mr BERKMAN: I want to touch on the data that we have so far, at least in so far as it is reported in the previous annual report, the erratum to it, and the question on notice that I asked in February this year. There is a really clear disparity. Of those 100,000-odd scans, something like 83 or 84 per cent of people wanded were men, and close to 16 or 17 per cent were women. What is more, there is an overrepresentation of Aboriginal and Torres Strait Islander people being wanded, at seven per cent compared with four per cent of the overall population. How do you account for those disparities, those imbalances, if there is not an element of profiling in the exercise of the wanding powers by officers?

Assistant Commissioner Wildman: I can assist in responding to that question. I will answer in two different parts, and the first is the 80 per cent male versus female element. I need to highlight that, in the training program for the wanding being conducted, the online learning products and other operational factors reinforce the fact of the random nature of the wanding operations, which is the way we conduct the operations.

Some of the challenges are that there are inbuilt biases in the wanding program that are outside of the control of the Queensland Police Service. I will give you some examples. The first is safe night precincts. There are 15 safe night precincts in Queensland and since the trial was expanded in 2023, so looking at the period from 6 April 2023 to 8 April 2025, we actually wanded 49,709 people in safe night precincts. That is nearly 50 per cent of all of our wanding operations have been completed in safe night precincts. Now, I am not sure whether you have been out at night in recent times, but the majority of people who go out in safe night precincts are predominantly male so when those wanding operations are completed there is a disparity in the numbers of males versus females wanded because of the audience that is frequenting those particular locations.

If we actually expand that and look at other locations, public transport is another key location where wanding operations have been conducted in the last two years. When you start pulling apart the facts and figures, things such as sporting events—large football games—are attended more by males than females so when those wanding operations are conducted it challenges the parity issue. There are inbuilt biases in the program as it is. I would also highlight that there is an intelligence base background around our wanding operations. If you think about the number of offenders and victims in terms of males versus females, the number of male offenders far outweighs female offenders and it is the same in the victim categories. There are more males in the judicial system than females, more males in the prisons than females and even with domestic and family violence there is a very heavy weighting towards males. Over 80 per cent of respondents or perpetrators of domestic and family violence are males versus females. In the operations conducted by police they certainly utilise a combination of factors. They utilise best practice principles to wand people as they see fit and hence those numbers create those disparity issues.

Mr BERKMAN: In terms of the gender split, can I tease that out a little bit. It sounds to me from what you have said there that the intelligence basis is somewhat in conflict or there is a tension between that intelligence basis for wanding operations and the randomness that is supposed to be fundamental to the exercise of the powers; is that a fair observation?

Assistant Commissioner Wildman: And also the relevant locations as they are stipulated. When you start looking at licensed premises, sporting events, safe night precincts et cetera, and we go through the list, at the time the wanding operations are conducted there are generally more males than females frequenting those particular locations which then impacts on that parity/disparity issue.

Mr BERKMAN: I know there have been other expansions into, for example, shopping centres. I know that my 15-year-old son probably spends way too much time hanging around Indooroopilly Shopping Centre. He has been randomly wanded three times. Can you provide us with that same breakdown in respect of wanding operations just in shopping centres? You would not expect those to necessarily have the gender imbalance that you have described at the other events. Is it possible to see some figures along those lines?

Assistant Commissioner Wildman: That is a question we would have to take on notice.

Mr BERKMAN: Of course. I would not expect it now.

Ms Papoutsakis: I do not have the gender breakdown, but I have the total authorisations that were issued in relation to shopping centres for 2024. It was 373. There were 4,227 people scanned. In 2025 it is currently 67 in relation to shopping centres, and persons scanned 717.

Mr BERKMAN: I appreciate that it needs to be on notice, but would we be able to get as much detailed breakdown of those shopping centre operations as possible comparable to the data that is provided in the annual report and in the question on notice?

Ms Papoutsakis: Are you seeking, just to clarify, a gender breakdown in that data?

Mr BERKMAN: The gender breakdown would be helpful. The question on notice also includes a breakdown of Aboriginal and Torres Strait Islander people, all other culturally and linguistically diverse people, Caucasian people and other unknown/not recorded. That is the four-part breakdown.

Ms Papoutsakis: Specific to shopping centres?

Mr BERKMAN: Yes, that is right.

Ms Papoutsakis: We will see if we can extract that.

CHAIR: Is that doable or too onerous?

Ms Papoutsakis: I would have to double-check and I can notify the committee.

Mr BERKMAN: I have a follow-up question along a similar line. You would be well aware that there were some concerns raised in the Griffith Criminology Institute review about the potential for racial profiling. As I understand it, they did identify in their research some indications that racial profiling was occurring throughout the wandering trial. Can you advise first of all what QPS has done and what you are continuing to do to address that and what data collection can be done to properly identify that 40 per cent of unknown/not identified within the data that is collected? What is being done and what can be done to fill that gap?

Ms Papoutsakis: A person is not required to provide their name or date of birth to a police officer during the use and exercise of handheld scanning, so it is only if the person self-identifies their ethnicity and gender to a police officer. The data that QPS captures is only as good as that self-identification or previous identification when it is conducted. Beyond that, unless the legislation was to stipulate that a person must provide their name and date of birth and ethnicity, I am unable to provide anything further.

Assistant Commissioner Wildman: Member, I might be able to assist in that conversation as well. I was actually on the Gold Coast when Griffith University were part of the original trial and worked with them around their report. In the draft report that was provided they identified a percentage of around six per cent of First Nations people wandered as opposed to the percentage that reside on the Gold Coast which is between two and three per cent. We knew the figures were not accurate and so we actually went back, had a look and unpacked the number of First Nations people that we actually had wandered and what we found is that there was a data anomaly that sits in QPRIME. That is going back to what Anna was talking about—that issue of people self-identifying whether they are First Nations or not.

There was one example that was provided of a male who was born in an Eastern European country. He moved out here during early adulthood. They had hundreds of dealings with police on the Gold Coast and on one occasion was marked as First Nations. We don't know whether that was self-identified or whether it was accidental. Every entry that was then provided identified that individual as a First Nations person so it skewed the figures. When we started stripping out the data we actually found that the actual numbers being wandered were far closer to the two to three percentile band as opposed to the six per cent which was originally reported and that was fed back to Griffith University. Hence, they amended their report highlighting that they identified some anomalies, you would say, in that piece, but they did not go into that level of detail and that is why. It is a systems piece and, as has been highlighted, we do not have the power to require people to identify—self-identification is the channel.

Mr BERKMAN: Of course I would not suggest that that be an element of it. One final point, there was also a suggestion, given the demographic of the Gold Coast at the time of the report, that particular attention be paid to Pasifika or Maori populations. Is that something that is addressed in current processes in the rollout of the program?

Snr Sgt Chalmers: At the moment, for a police officer to go out there and scan they have to do online training. That is everyone from the rank of a first-year constable up to inspector. That speaks about that in that training. We also have—I have the document in front of me if anyone wants to see it—a handout scanning audit. As a frontline supervisor I have to do spot audits, so just random audits

on the staff under my control—a portion of them. Not only is that checking the safeguards so they are compliant with all our OPMs and all of that—the body worn cameras are activated every time we do a scan—I have to sit there and review some of the body worn camera footage. With our dashboard we have been built a little section that for every officer involved with a scan we can ensure it actually nominates whether they are showing any bias towards an individual group or anything like that. That is part of a six-month audit we do. That is for every officer that scans. Not only is there training, every six months we do a portion of the officers under our control to ensure that is not occurring.

Ms MARR: In that previous point made by the member for Maiwar, I want to put on record what he was talking about was anecdotal evidence in that report. It was not actual figures; it was anecdotal evidence.

Mr FIELD: I have a question for you, Michael. You were saying before you have virtually wanded 5,000 to 6,000 individuals. Out of those you wanded, how many did actually carry a weapon? You were saying before that some of them were attack weapons. Where do they hide them? How do they conceal them?

Snr Sgt Chalmers: I do not have the stats on me of how many knives or weapons I have seized, but I will talk about some of the weapons. I have had an axe in the waistband of a person walking down the street in Surfers Paradise. I have had machetes. I have found a couple of very tactical weapons called trench knives. A trench knife is designed, as the name says, for the trenches. Not only have you got a handle that you hold onto, which is also a knuckleduster in that hand, it propels the knife out the front so it is also a flick-knife. We have had highly illegal tactical weapons. I have sharpened screwdrivers they have sharpened to a point. A lot are in waistbands and some are in bags. I could not definitively say where most of them are, but they are all over the place and readily accessible. They are nasty looking weapons that I have taken off them.

Mr RUSSO: My question is to Acting Senior Sergeant Chalmers. I am interested in the operational aspect of getting it approved. If these amendments pass you will not have to do that anymore, but in relation to the evidence that Anna was giving, that is a separate issue and you will have to get operational approval; is that correct?

Snr Sgt Chalmers: Yes, that is correct.

Mr RUSSO: Can I be clear: I understand how important it is for the police to reduce red tape so this is not an attack on the evidence you gave because I take on board what you are saying as being truthful because you are there and you do it. What I am interested in is, first of all, if, for example, there is an incident that requires the police to go there and scan, is there a process whereby that could occur and then a form filled out—a bit like sometimes when police have to do a raid but they do not have a warrant and get the warrant after the event?

Snr Sgt Chalmers: No, there is no retrospectivity. We cannot go back and seek an authorisation verbally.

Mr RUSSO: Sorry?

Snr Sgt Chalmers: We cannot seek an authorisation verbally; it needs to be in there.

Mr RUSSO: If the act was amended to allow that to occur, is that just impractical?

Snr Sgt Chalmers: Impractical because you would still have to go through it—you are just not going to go, 'Oh, yes, go off and scan in this location for this.'

Mr RUSSO: If the amendments pass and there is an emergency situation or intel arrives on your desk, and you do not have to do that, you could then authorise the same as you would issue any sort of command to your officers to go and do that; have I got that right?

Snr Sgt Chalmers: That is a hard one to answer. I can get anyone in the command to do any sort of operational things like that, but it is not timely.

Mr RUSSO: You would not have to do what you described.

CHAIR: It would be fair to say that there are also the powers of reasonable suspicion for searches.

Snr Sgt Chalmers: Absolutely. Everyone has to remember that Jack's Law is not a search. We are scanning people. It does not take away from the Police Powers and Responsibilities Act if we have a reasonable suspicion. If I walk up to someone in the street and have a reasonable suspicion that they are carrying a knife, you do not touch this wand. You execute your powers straightaway and detain that person or arrest that person and then you search. It is a misconception: it is not a search; it is definitely a scan. We have no powers when we are scanning. There are no powers. For instance, I

could walk up to a person and in their pocket they have a bag full of cannabis. We are not going to know about that because that will not be picked up on the scan and we cannot search the person. It is only if we have a prescribed circumstance and then we would search the person. There is a big difference between scanning and searching.

CHAIR: A lot of drugs have been located as a result of these operations. I did canvass this with the union, but probably this panel would be able to answer a bit better. What practically happens when a person is stopped for a search? Are they invited to declare? What is the procedure? What actually happens?

Snr Sgt Chalmers: The procedure is that you do your introduction and you explain what you are doing. This is the device, if people have not seen a scanner before. It is just a metal detector. It vibrates in the hand. I will scan over a person's body. It is just that far away. It is very sensitive. If it detects metal then you require the person to produce whatever the metal is. You always ask beforehand. You do not want people just putting their hands in their pockets. For instance, I will go over here and if it is under a sleeve I will say, 'What's that? It is detecting metal. You are required to produce what that is.' They might say, 'Oh, that's my watch.' They produce it and resubmit for a scan. If it does not detect metal then you continue on.

CHAIR: So there is no invitation first before you scan?

Snr Sgt Chalmers: No.

Mr BUTCHER: Senior Sergeant, we have heard a lot today about the Jack Beasley Foundation, which has been doing some fantastic work in our schools so that kids are getting to know what wandering is, what it looks like and that they can be approached by the police in certain situations. We have also heard today from First Nations advocates around unintended consequences. Say someone is on drugs, has mental health issues or maybe they are drunk and are in an area where a lot of people are intoxicated. What is your firsthand experience of going up to politely ask somebody to be wanded and then them blowing up and being arrested because they are not sure what is going on and they are unhappy about being wanded? Does that happen a lot?

Snr Sgt Chalmers: I can tell from experience on this one. Out of those nearly 6,000 people I have scanned, maybe one per cent, if that. If someone is drunk and they do not understand what the scanning is about, you are not going to continue with that scan. You are going to get them diverted. For example, in Surfers Paradise they have a chill-out zone. You are going to get them help there. If someone is not understanding what is going on, you are not going to continue with that. Once again, with doing the scanning, if you reasonably believe that they have something on them then you are going to go back to the act. You will disregard Jack's Law and act under the police powers.

Mr BUTCHER: Say someone is just walking down the street and they happen to get caught up in a wandering exercise. They lose their mind or whatever and end up being charged with assaulting police. There are unintended consequences as a result of just walking down the street.

Snr Sgt Chalmers: In my experience, like I said, one per cent are the ones who have going to question or be obstructive in some way. In my policing experience, if I am doing the RBT line I am going to have the same one per cent of people. If I am handing out \$5 notes, I will still have that one per cent being obstructive. In all of that time I think I have had to arrest one person for obstruct. That is all I can remember.

Ms MARR: Further to Mr Russo's question with respect to expanding powers to authorise wandering operations in public places, Mr Shears, do you have any concerns that the powers may be abused by any police officers or do you believe that we have the appropriate safeguards in place to ensure that does not occur?

Mr Shears: I will refer to my colleague Anna to go through the specifics in the bill that maintain the existing safeguards. She will speak to the training as well. I would say that the bill does contain safeguards. The bill does not amend the existing safeguards outside of the authorising environment.

Ms Papoutsakis: As previously mentioned, QPS policy requires that police officers acting under a handheld scanner authority are to select persons on a random basis. This is also held within QPS policies. A police officer and authorising senior police officer are required to undertake specific online training prior to the exercise of any Jack's Law powers. The safeguards contained within section 39H of the PPRA, as Mr Shears mentioned, will remain and include that the police officer exercise the power in the least invasive way that is practical in the circumstances and that the police officer may detain the person as long as is reasonably necessary to exercise the power. Police officers are also required to activate their body worn cameras.

The QPS has strengthened training and practices to build a culturally competent workforce in relation to mandatory face-to-face training or multiculturalism and that includes both a First Nations and multicultural component. It covers race relations, inclusiveness and community specific training. As the senior sergeant mentioned, there is the auditing process that is required by our policy to be undertaken every six months by the relevant district officer. There is the formal reporting mechanism that is placed on the Commissioner of Police by virtue of the annual report and section 808C.

Ms MARR: Thank you. That is a very clear answer.

Deputy Commissioner Kelly: I think we have had only two complaints and with those two complaints no action was taken against the officers. As Michael has said, the police take this very seriously. It is very important that we use scanning in the best way. It is about engagement and trust with the community, but it is also about prevention of crime and reducing victims.

Mr BERKMAN: I am very eager to understand the practical operational sequence of events. I have been dispelled of my misapprehension that they are stop-and-search powers; they are actually stop-and-wand powers. There needs to be some reasonable suspicion beyond that point for any search to go on; right? I would imagine that there are very few people who are not going to have some metal object in their bag to set off a wand. What protections are in place to ensure that that person is given the opportunity to produce whatever is setting off the wand rather than an officer asking if they can look in their bag, for example? I ask this because I have heard direct accounts of the request being, 'Can I look in your bag?' rather than, 'Can you produce whatever metal objects are setting off the wand?'

Assistant Commissioner Wildman: The operational basis is based on person, object, place. That is a safety principle that police utilise in our approach. Michael has highlighted that it is best practice, once you do the scan and you find some items, to ask the person to produce the items from their pocket or from their wrist or whatever it may be. In relation to the search powers, as has been highlighted, these wandings are not searches. They are purely to identify a risk, which is around finding metal objects and that is it. Any invite to have people produce items post that is the standard practice. I am not sure of the circumstances that you have, member.

Mr BERKMAN: Obviously there are 100,000-odd examples of the powers being used so I do not think any specific example is particularly helpful. Rather than being asked to produce whatever is setting off the wand, if someone is asked if the officer can look in their bag and they push back and say, 'No, I can take out whatever is making it beep,' is that not a basis for an officer to form a reasonable suspicion and then move on to actual search powers?

Assistant Commissioner Wildman: My take on it is that it would be under the circumstances, depending on what it is.

Mr BERKMAN: It is a discretionary call for the officer at the time?

Assistant Commissioner Wildman: Yes. I am not sure if Michael has anything else to add.

Snr Sgt Chalmers: It would not purely be because someone would not let you look in their bag. That is not reasonable suspicion. There would have to be other circumstances before that would be reasonable suspicion.

Mr BERKMAN: Is that like the person, place, object—the other three things?

Snr Sgt Chalmers: It could be a smell. It could be anything. I have never seen it where the OPMs and all the legislation say, 'If you are scanned and it detects metal then you are required to produce that.' I have never heard of any circumstances where someone said, 'Can I look in your bag?' If I went up to someone outside and said, 'Can I look in your bag' and they said 'No', I have no police authority or power to do anything from there.

Mr BERKMAN: If the wand has gone off and clearly they have something and police say, 'Can I look in your bag?' and they say 'No,' is that the end of it?

Snr Sgt Chalmers: No. You say, 'You have to produce that metal object.' There are steps that you have to go through. That is the legislation. That is the OPMs.

Mr Shears: The process that my colleague was speaking through is where the initial wandling occurs and if it indicates metal then the person is given an opportunity to produce that item. It is included in the OPMs but it is also actually included in the act itself, under section 39G. That process is really quite precisely defined.

Mr BERKMAN: Beyond the legislation and the operation manual, what protections are there? What are the consequences if an officer is asking to stretch beyond just the production of whatever is making the wand go off? I am asking this because, let's say, 90 per cent of people are going to have a metal object in their bag that will set off the wand. This is going to be an interaction that will happen

quite consistently for anyone who is having these powers exercised on them, effectively now in any public place. I am really keen to understand how the operational element of this legislation prevents officers from overreaching and asking to search?

Assistant Commissioner Wildman: I can assist in answering that question. It is around the safeguards that are already in place. There are a number of safeguards such as the searches being conducted under body worn camera review. Normally it is not a single officer doing a wand. It is a number of officers and they have their body worn cameras on so you are given different perspectives of the same incident unfolding. That footage can be reviewed at any time. It is stored through our systems longer term.

I will go back to what the deputy commissioner highlighted around the complaints. We have only had two complaints and with both of those there was no further action, since 2021 and nearly 130,000 wandings. We have a very good basis point to say that we are utilising the powers appropriately. The police are very well aware of their powers. The examples you provide I am not aware of, but certainly it is the case that if we detect a metal object then we invite the person to produce that, highlighting that it is an offence not to. Once they refuse, it can be an offence provision coming into play.

CHAIR: Earlier today, Mrs Beasley gave evidence before us. She highlighted the public awareness and education aspects around these laws. She also highlighted how in Western Australia they operate with signage. Can you firstly outline what role the QPS has in the education space, particularly with young people and school-based police officers et cetera? Are there any future plans to expand public awareness of these laws and how they operate in safe night precincts et cetera?

Deputy Commissioner Kelly: We always have a role in trying to prevent offences and crime. As you mentioned, the Jack Beasley Foundation is doing work in schools with school-based police officers and crime prevention areas. We are very fortunate that the previous laws have had great publicity and promotion in those locations. In the main, as mentioned, it has been safe night precincts, public transport is the next biggest area and at the shopping centres, as mentioned, it has been started. Obviously with these additional public places that will increase. We do not have anything about signage at this stage. We want to do work with the SNPs, the licensees and security to promote the fact that we will be out there doing this work, and we need to continually do that.

What we do in the community is really important. The greatest amount of wandering is done in cities and those types of areas. It started at the Gold Coast, and there is a lot of scanning done there. In the smaller districts—I do performance reviews with the different districts—as you go more regional, there are fewer knife detections. That is just the reality of populations and not having the big SNPs and the crowds et cetera. We will have to continue that education. We will work with our media section and our community engagement section to continue to get that message out there because success for us is probably finding no knives if we are honest. That will mean there will be fewer crimes.

We have to continue that work. We understand that, but we have to work with our partners: education, SNPs and places where knives can be present in the community. We really want to reduce the offences and some of those offences I spoke about—there have been homicides, attempted homicides, robberies, sexual offences and life-endangering acts. Then it moves on to knives being used to steal cars, carjackings and the like. We want to make sure that those offences are prevented. As was mentioned we have had axes, machetes and knives. It is not just pocketknives; it is the whole ambit. It is a generational thing where we make sure that people are not carrying knives in public unless there is a lawful reason to.

Mr RUSSO: This is not a question, Chair—I apologise—but a comment. Recently I was at the city station and I was waiting in the foyer. I noticed there is a moving screen that gives information. There was a message there about scanning and I thought it was quite effective.

Mr BUTCHER: This may show my negligence of wandering but when you go to the football stadiums the wandering is done by a third party as in MSS staff or other security staff. You guys have to go through a whole process to be trained in wandering, but these guys can turn up and—I do not know. Do they receive the same sort of training? What is the difference between what they are doing and what you are doing? It seems to be more prevalent that they are just standing there going like that.

Deputy Commissioner Kelly: I would only be guessing at what training they would have. Obviously they would have training in not to physically touch a person. It is generally well received at those events. People like that trust of being able to go into an event and know there are not weapons or other items.

CHAIR: As you touched on, Michael, it is generally well received in public spaces that people see this occurring and proactive policing occurring; they feel safer.

Snr Sgt Chalmers: Absolutely, and I hear that all the time. A lot of people say it is just like going to the airport. A lot of people say, 'I'm going down to Surfers Paradise. I know I'm going to get scanned at some stage.' They really do love it. The public love it.

Mr FIELD: Has Jack's Law been working and do you want it expanded?

Deputy Commissioner Kelly: Yes.

Mr FIELD: I just thought I would clarify that.

Deputy Commissioner Kelly: Please.

Ms MARR: I have a question about the people you represent today. Can I ask your frontline police what are their thoughts, if they have expressed them, on the changes to Jack's Law?

Deputy Commissioner Kelly: I can preface it this way. Police want to get trained in things that make their job easier but also make the community safer if they can do it efficiently and effectively and still have that engagement with the community. RBTs are similar in that they are a chance for engagement. Yes, there is a percentage of people drink driving. It is preventative. It is very similar legislation when you think about it. It is actually about trying to reduce offending and making people feel safer, but at the same time our police are out there doing proactive duties that will prevent offences. If we can bring down that number of offences I spoke about in relevant and public places, I am sure the community will be happy.

Ms MARR: Thank you and thank you to the QPS community for looking after us.

Mr BERKMAN: I appreciate your indulgence, Chair. I have one quick question. You can appreciate—I think it is uncontroversial to say—that not just this bill but Jack's Law overall is a significant expansion of police powers and will lead to a significant increase in the number of general interactions with police in public places. Is there any other example from the past two decades that you can identify for the committee that would have caused an equivalent or greater increase in that level of interaction? Is this as unique as it appears on its face?

Snr Sgt Chalmers: I cannot say a specific power or anything like that. When you put things in perspective—and I know we keep talking about an RBT line. If I get my officers to set up an RBT line, from the time people wait to get into that RBT line, a test is done and their licence is checked, because you have parameters to check their name and make sure everything is okay, you are there for up to three or four minutes. With the scanning, we are there for about a minute; it is very quick. When you look at it from that perspective, I cannot think of a power that has come in like that. These things are actually working. As Brett Beasley says, every time he stands in front of it he will hold this thing up and say, 'These things save lives.' He will say every time he stands up there that each knife we take off a person is potentially a life saved.

Mr BERKMAN: I appreciate that it is quicker than an RBT, but are there any examples over the last few decades that anyone on the panel can provide that have led to a greater increase in police interactions than these laws?

Mr Shears: The one power that does spring to mind was introduced in the Queensland Community Safety Bill 2024, last year. It is yet to be commenced, but it is the introduction of firearms prohibition orders, which includes enhanced search powers for people who are subject to a firearms prohibition order.

Mr BERKMAN: Do you think that is likely to engage more people with police than are being wanded with these—

Deputy Commissioner Kelly: I do not think so. What have we done in two years—100,000-odd, so a thousand a week. The Queensland Police Service engage tens of thousands of people each day through many calls for service, at front counters at police stations and through Policelink, communications, calls for service and interactions. I could find the number. I do not think we could quantify the number because there are many interactions that are just on the side of the road. I could walk down George Street and talk to 10 people who will ask me questions from directions to everything.

Mr BERKMAN: I appreciate that, but as far as the discrete increase is concerned, a program that will lead to an increase in police interactions—this is quite unique and exceptional in terms of the effect it is going to have on that interface with police and Queenslanders in public places; is that fair?

Deputy Commissioner Kelly: It will definitely increase it but would it be greater than what we do now normally? No, because we are—

Mr BERKMAN: Sorry if I have been confusing. That is not the question. Has there been any change—

CHAIR: Member for Maiwar, I think they have done their best to answer that. You have extrapolated that out to the full extent. We do need to close the hearing.

Mr BERKMAN: I thought your answer, Mr Kelly, though was that you thought the example given previously by Mr Shears would not be anywhere near the same number?

Deputy Commissioner Kelly: It will not be I do not think. I do not think there would be 100—

Mr BERKMAN: You cannot identify any other change in police powers—

Deputy Commissioner Kelly: I do not know exactly how many people have prohibition orders, but I would imagine that we will keep scanning people, as was mentioned, at sporting events, airports, et cetera to make sure the community is safer. Will that number increase? It possibly will. What will continue to happen is training of our police, ensuring they understand the policy and the legislation and, as was mentioned, the auditing of body worn cameras. Our police know they record all these interceptions on body worn cameras.

Mr BERKMAN: Thank you sincerely for your assistance and for the indulgence, Chair.

CHAIR: Do you want to add something?

Ms Papoutsakis: Can I make one final comment? Queensland is not unique in having Jack’s Law. All other states, aside from the Australian Capital Territory, have introduced some sort of wandering power to date.

CHAIR: Thank you. That concludes the public hearing. Thank you, everyone, who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee’s webpage in due course. There was one question taken on notice and your response is requested by close of business on Tuesday, 6 May.

Mr Shears: Could I clarify that question on notice?

CHAIR: Yes, please.

Mr Shears: I have it down that you are after data for shopping centres, gender breakdown for the 2023-24 calendar year—

Mr BERKMAN: Yes, and the other breakdown as per that question on notice on 20 February this year, which related to Aboriginal and Torres Strait Islander status, culturally and linguistically diverse communities, Caucasian and other. I think they were the four categories.

Mr Shears: It was just shopping centres, no other relevant places?

Mr BERKMAN: I would take as many discrete breakdowns and relevant places as you would offer.

CHAIR: I do not want it to be too onerous for you.

Mr BERKMAN: I thought shopping centres was a neat neutral one.

CHAIR: Keeping in mind that a lot of that data is not collected because it is not required; people are not required to provide that information to you. We understand that. Do your best please and we will close the hearing.

The committee adjourned at 12.41 pm.